

ENVIRONMENTAL QUALITY

CHAPTER 56

UNDERGROUND STORAGE TANKS  
PETROLEUM AND CHEMICAL SUBSTANCES

Sub-Chapter 3

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17.56.301 SPILL AND OVERFILL CONTROL (1) Owners and operators must ensure that releases due to spilling or overfilling do not occur. The owner and operator must ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling. The transfer procedures described in Article 79, Division XII of the Uniform Fire Code adopted by reference in (3) shall be used to comply with this section. Further guidance on spill and overfill prevention appears in American Petroleum Institute Publication 1621, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets," and National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code."

(2) The owner and operator must report, investigate, and clean up any spills and overfills in accordance with ARM 17.56.505.

(3) The department hereby adopts and incorporates by reference the Uniform Fire Code, Article 79, "Flammable and Combustible Liquids" (1997 edition) which sets forth the fire protection requirements where flammable and combustible materials are stored or dispensed, a copy of which may be obtained from Uniform Fire Code Association, 1260 Lake Boulevard, Suite 250, Davis, CA 95616, (888) 785-3473. Further guidance on spill and overfill prevention appears in American Petroleum Institute Publication 1621, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets," and National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code" (2000 edition) which sets forth transferring and dispensing practices for flammable and combustible liquids and a copy of which may be obtained from Global Engineering Documents, 15 Inverness Way East, M/S C303B, Englewood, CO 80112-5776, (303) 397-7956, or National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, (800) 344-3555. (History: 75-11-505, MCA; IMP, 75-11-505, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259; AMD, 2003 MAR p. 1079, Eff. 5/23/03.)

17.56.302 OPERATION AND MAINTENANCE OF CORROSION PROTECTION (1) All owners and operators of steel UST systems with corrosion protection must comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances:

(a) All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that are in contact with the ground.

(b) All UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

(i) all cathodic protection systems must be tested within six months of installation and at least every three years thereafter; and

(ii) the criteria that are used to determine that cathodic protection is adequate as required by this rule must be in accordance with National Association of Corrosion Engineers Standard RP0285-2002, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection", adopted by reference in (1)(e).

(c) UST systems with impressed current cathodic protection systems must also be inspected every 60 days to ensure the equipment is running properly.

(d) For UST systems using cathodic protection, records of the operation of the cathodic protection must be maintained in accordance with ARM 17.56.305 to demonstrate compliance with the performance standards in this rule. These records must provide the following:

(i) the results of the last three inspections required in (1)(c); and

(ii) the results of testing from the last two inspections required in (1)(b).

(e) The department hereby adopts and incorporates by reference National Association of Corrosion Engineers Standard RP0285-2002, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection" which sets forth cathodic protection system standards for prevention of corrosion on buried or submerged metallic UST systems, and a copy of which may be obtained from NACE, International, PO Box 201009, Houston, TX 77216-1009, (281) 228-6200. (History: 75-11-505, MCA; IMP, 75-11-505, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259, Eff. 7/1/95; AMD, 2003 MAR p. 1079, Eff. 5/23/03.)

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17.56.303 COMPATIBILITY (1) Owners and operators must use an UST system made of or lined with materials that are compatible with the substance stored in the UST system. Owners and operators storing alcohol blends shall use the following codes adopted by reference in (2) below to comply with the requirements of this rule:

(a) American Petroleum Institute Publication 1620, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations"; and

(b) American Petroleum Institute Publication 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations."

(2) The department hereby adopts and incorporates by reference:

(a) American Petroleum Institute Publication 1620, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations" which sets forth requirements for storing and handling regulated substances at UST facilities and a copy of which may be obtained from API Publications Department, 1220 L Street NW, Washington, DC 20005, (202) 682-8375; and

(b) American Petroleum Institute Publication 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations" which sets forth requirements for storing and handling regulated substances of UST facilities and a copy of which may be obtained from API Publications Department, 1220 L Street NW, Washington, DC 20005, (202) 682-8375. (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259.)

17.56.304 REPAIRS (1) Owners and operators of UST systems must ensure that repairs will prevent releases due to structural failure or corrosion for as long as the UST system is used to store regulated substances. Owners and operators must receive a permit from the department prior to making any repair of an UST system.

(2) Tanks not meeting the design or construction standards of the applicable code of practice adopted by reference in (4) may not be repaired and must be closed in accordance with ARM 17.56.702.

(3) Repairs must meet the following requirements:

(a) Repairs to UST systems must be conducted in accordance with all applicable state, federal and local laws and regulations and the applicable code of practice adopted by reference in (4). If there is a conflict in the referenced codes, the more stringent and protective code shall apply.

(b) Tanks must be repaired according to the manufacturer's recommendation and under the supervision on site of a manufacturer's authorized representative or the tank manufacturer must certify that the repaired tank meets the manufacturer's design standards.

(c) The tank manufacturer must re-warranty the repaired tank for 10 years or the remainder of the original warranty period, whichever is longer.

(d) The department may require excavation of the tank to be repaired so that the outer wall of the tank may be inspected and tested for defects.

(e) Metal pipe sections and fittings that are damaged or have released product as a result of corrosion or other damage must be replaced. Fiberglass pipes and fittings must be repaired in accordance with the manufacturer's specifications or be replaced.

(f) Upon completion of the repair and before the UST system is placed in service, the following tests must be performed:

(i) repaired tanks and piping must be tightness tested in accordance with ARM 17.56.407(1)(c) and 17.56.408(1)(b); and

(ii) corrosion protection systems circuitry must be tested to ensure it is still functioning.

(g) Within six months following the repair of any cathodically protected UST system, the cathodic protection system must be tested in accordance with ARM 17.56.302(1)(b) and (c) to ensure that it is operating properly.

(h) UST system owners and operators must maintain records of each repair for the remaining operating life of the UST system that demonstrate compliance with the requirements of this rule.

(4) The department hereby adopts and incorporates by reference:

(a) Underwriters Laboratories Standard 1316, 2nd revised ed. April 12, 1996, "Standard for Safety for Glass-Fiber-Reinforced Plastic Underground Storage Tanks" which sets forth requirements for the manufacture and installation of glass-fiber-reinforced plastic underground storage tanks for petroleum products and a copy of which may be obtained from Underwriters Laboratories, Inc., 12 Laboratory Drive, Research Triangle Park, NC 27709;

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(b) Underwriters Laboratories Standard 1746, 2nd revised ed. September 24, 1998, "Corrosion Protection Systems for Underground Storage Tanks" which sets forth design standards for cathodically protected steel underground storage tanks and a copy of which may be obtained from Underwriters Laboratories, Inc., 12 Laboratory Drive, Research Triangle Park, NC 27709;

(c) American Society of Testing and Materials Standard D4021-92, (1992 edition), "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks" which sets forth design standards for FRP UST tanks and a copy of which may be obtained from The American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017;

(d) Steel Tank Institute "Specifications and Manual for External Corrosion Protection of Underground Steel Storage Tanks #STI-P3, STI-P3-99" (1999 edition) which sets forth design and installation standards of cathodically protected steel underground storage tanks and a copy of which may be obtained from Steel Tank Institute, 570 Oakwood Road, Lake Zurich, IL 60047, (800) 438-8265; and

(e) Steel Tank Institute ACT-100, "Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks F894-99" (1999 edition) which sets forth a minimum consensus standard for the fabrication, installation and repair of FRP clad/composite tanks and a copy of which may be obtained from the Steel Tank Institute, 570 Oakwood Road, Lake Zurich, IL 60047, (800) 438-8265. (History: 75-11-505, MCA; IMP, 75-11-505, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259; AMD, 1999 MAR p. 2046, Eff. 9/24/99; AMD, 2003 MAR p. 1079, Eff. 5/23/03.)

17.56.305 REPORTING AND RECORDKEEPING (1) Owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the department or the implementing agency, or both as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of RCRA, as amended or pursuant to other state laws or rules or both.

(a) Owners and operators must submit the following information to the department:

(i) notification for all UST systems which includes certification of installation for new UST systems;

(ii) reports of all releases including suspected releases, spills and overfills, and confirmed releases;

(iii) corrective actions planned or taken including initial abatement measures, initial site history, free product removal, the result of remedial investigations, and cleanup plan; and

(iv) a notification before permanent closure or change-in-service.

(b) Owners and operators must maintain the following information:

(i) documentation of operation of corrosion protection equipment;

(ii) documentation of UST system repairs;

(iii) recent compliance with release detection requirements; and

(iv) results of the site investigation conducted at permanent closure.

(c) Owners and operators must keep the records required either:

(i) at the UST site and immediately available for inspection by the department or the implementing agency;

(ii) at a readily available alternative site and be provided for inspection by the department or the implementing agency upon request; or

(iii) in the case of permanent closure records required under ARM 17.56.705, owners and operators are also provided with the additional alternative of mailing closure records to the department if they cannot be kept at the site or an alternative site as indicated above. (History: 75-11-505, MCA; IMP, 75-11-505, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259; AMD, 2003 MAR p. 1079, Eff. 5/23/03.)

Rules 17.56.306 and 17.56.307 reserved

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17.56.308 OPERATING PERMIT REQUIRED (1) After March 31, 2003, a person may not place a regulated substance in, dispense a regulated substance from, or otherwise operate an underground storage tank system unless the owner or operator has a valid operating permit and an operating tag for the system.

(2) The department shall issue an operating permit when the owner or operator has filed with the department an inspection report signed by a licensed compliance inspector and the department determines, on the basis of the inspection report and other relevant information, that the operation and maintenance of the underground storage tank systems at that facility are in compliance with Title 75, chapter 11, part 5, MCA, and the rules adopted thereunder on the date of the inspection.

(3) If a filed inspection report contains substantive errors or inconsistencies, the department may, before determining whether to issue an operating permit, correct the report based on available information, require the inspector to provide additional information or require the owner or operator to obtain a follow-up inspection.

(4) An operating permit must be issued for three years and is renewable upon demonstration that the underground storage tank system is in compliance with Title 75, chapter 11, part 5, MCA, and the rules adopted thereunder.

(5) The department shall issue an operating tag for each underground storage tank for which the department has issued an operating permit as described in (2) and (4). The operating tag must be visibly affixed by the owner or operator to each tank's fill pipe or to another visible part of the tank if affixing the tag to the fill pipe is impracticable. If an operating permit expires or is revoked, the owner or operator must remove each operating tag and return it to the department within 30 days of receipt of expiration or revocation.

(6) The department may suspend or revoke an operating permit and tag issued under this rule upon its finding that there is substantial evidence that:

(a) the underground storage tank system for which the permit was issued is no longer in compliance with operation and maintenance requirements set out in ARM 17.56.309(1)(a);

(b) the permittee committed fraud or deceit in applying for the operating permit; or

(c) the operating permit was issued in error.

(7) Except as provided in (8), the department shall suspend or revoke an operating permit and tag issued under this rule according to the provisions of 75-11-512, MCA.



(8) If the department determines that noncompliance with Title 75, chapter 11, part 5, MCA, or the rules adopted thereunder poses an immediate or substantial threat to the public health, safety or environment, it may immediately revoke the operating permit and tag. A permittee whose operating permit and tag have been revoked in accordance with this rule may request a hearing before the department. The department shall schedule a hearing within 10 days of the request for hearing. (History: 75-11-505, MCA; IMP, 75-11-509, MCA; NEW, 2000 MAR p. 969, Eff. 4/14/00; AMD, 2001 MAR p. 2459, Eff. 12/21/01; AMD, 2002 MAR p. 1091, Eff. 4/12/02; AMD, 2003 MAR p. 1079, Eff. 5/23/03; AMD, 2003 MAR p. 2759, Eff. 12/12/03.)

#### 17.56.309 REQUIREMENTS FOR COMPLIANCE INSPECTIONS

(1) The owner or operator of an underground storage tank system shall have all active underground storage tank systems at an individual facility inspected by a licensed compliance inspector, certified under this chapter, at least every three years for compliance with the operation and maintenance requirements of Title 75, chapter 11, part 5, MCA, and the rules adopted thereunder.

(a) The inspection must include examination, assessment and documentation of compliance with all tank operation and maintenance requirements under 75-11-509, MCA, and rules adopted thereunder. The aforementioned "operation and maintenance requirements" are those requirements in ARM Title 17, chapter 56, subchapters 2, 3 and 4 that address the following categories:

- (i) release prevention and detection;
  - (ii) spill and overfill prevention;
  - (iii) corrosion protection; and
  - (iv) testing, monitoring, and recordkeeping related to
- (1)(a)(i) through (iii).

(b) If the department determines that a tank is not in full compliance with the requirements in the operation and maintenance categories in (1)(a), the department may issue or renew an operating permit under ARM 17.56.308 only if the department requires, in a compliance order issued pursuant to 75-11-512 or 75-11-525, MCA, that the noncompliance be corrected at the earliest practicable time. The department may also take other enforcement actions, and may pursue any other remedy available to the department, to address the noncompliance.

(c) The inspection may assess compliance with requirements in categories other than those listed in (1)(a). If the department determines that there is a violation in a category other than those listed in (1)(a), the department may issue or renew an operating permit and may pursue enforcement action to address the violation.

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(d) Underground storage tank systems that, under ARM 17.56.102(3) are exempt from ARM Title 17, chapter 56, subchapters 2, 3 and 4, are exempt from compliance inspection requirements. Owners or operators of these underground storage tank systems may obtain an operating permit and tag by making a written request to the department and providing evidence, satisfactory to the department, that the subject UST systems qualify for this exemption.

(2) For an underground storage tank system that is installed before November 1, 2001, an initial inspection must occur no later than January 1, 2002. Subsequent inspections must be completed at least 90 days before the expiration date of the operating permit issued pursuant to ARM 17.56.308.

(3) For an underground storage tank system that is installed or returned to active status pursuant to ARM 17.56.701 after November 1, 2001, an initial inspection must be completed at least 90 days, but no more than 120 days, after the date the conditional operating permit is issued. If the facility has other underground storage tank systems installed prior to November 1, 2001, all subsequent inspections of an underground storage tank system installed on or after November 1, 2001, must be conducted on the same schedule as the underground storage tank systems in existence prior to that date.

(4) Upon completion of the inspection, the inspector shall provide the owner or operator with a copy of the inspection report.

(5) No later than 10 days after any inspection conducted pursuant to this rule, the owner or operator, or the compliance inspector, acting on behalf of the owner or operator, shall provide to the department the results of the compliance inspection on a form approved by the department. The form must be signed by the licensed compliance inspector and the underground storage tank system owner or operator.

(6) All underground storage tank systems at an individual facility, except as provided in (2), must be inspected at one time.

(7) The owner or operator shall correct the violations noted in a compliance inspection report as follows:

(a) leak detection violations must be corrected within 60 days of receipt of the inspection report by the owner or operator; and

(b) all other violations must be corrected within 90 days of receipt of the inspection report by the owner or operator.

(8) The owner or operator shall obtain a follow-up inspection within 30 days of completion of the corrective actions required under (7)(a) and (b). (History: 75-11-505, MCA; IMP, 75-11-509, MCA; NEW, 2000 MAR p. 969, Eff. 4/14/00; AMD, 2001 MAR p. 2459, Eff. 12/21/01; AMD, 2002 MAR p. 1091, Eff. 4/12/02; AMD, 2003 MAR p. 1079, Eff. 5/23/03; AMD, 2003 MAR p. 2759, Eff. 12/12/03.)

17.56.310 CONDITIONAL, ONE-TIME FILL AND EMERGENCY OPERATING PERMITS (1) For an underground storage tank system installed after December 31, 2001, the department shall issue a conditional operating permit and tag upon the submission of all documentation required by ARM 17.56.1305, related to the installation of that underground storage tank system.

(2) The department may issue a conditional operating permit when an UST system does not have an operating permit and active operation is to be resumed after the UST system has been out of use. A conditional operating permit may be issued upon the department's receipt of the test results or written notice required in ARM 17.56.701.

(3) A conditional operating permit and tag issued under (1) or (2) expires 180 days after issuance.

(4) Notwithstanding issuance of a conditional operating permit, the department may pursue any enforcement measures available under Title 75, chapter 11, part 5, MCA, to address UST violations.

(5) The department may issue a one-time fill permit for the following purposes:

(a) testing related to installation of a new UST system. The department may issue the fill permit concurrently with an installation permit issued pursuant to subchapter 13; or

(b) testing related to returning an inactive UST system to active status. The department may issue the fill permit upon receipt of written notice, in accordance with ARM 17.56.701, that the UST will return to active operational status.

(6) The department may issue an emergency operating permit to allow operation of an UST without a valid operating permit and tag when operation of the UST is necessary to protect the safety and welfare of persons, property or national security from imminent harm or threat of harm.

(a) Before issuing an emergency operating permit, the department shall determine that:

(i) under all the circumstances, any potential impacts to human health and the environment arising from operation of the UST are outweighed by the interest in preserving health, safety or welfare of persons, property or national security; and

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(b) Emergency permits expire when the emergency is abated or 90 days after issuance of the permit, whichever time period is shorter.

(c) Notwithstanding issuance of an emergency permit, the department may pursue any enforcement measures available under Title 75, chapter 11, part 5, MCA, to address UST violations.

(d) In order to reduce the risk of a release, any emergency operating permit issued by the department under this rule may be subject to conditions or procedures that the department determines are necessary to minimize risks to human health or to the environment. (History: 75-11-505, 75-11-509, MCA; IMP, 75-11-509, MCA; NEW, 2003 MAR p. 2759, Eff. 12/12/03.)

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